

November 24, 2009

Public Hearing: Frisco Crossing (Z07-0025)
Owner(s): PCCP Alberta Frisco Texas, LLC

DESCRIPTION:

A request to rezone 120.9± acres on the southeast corner of US Hwy. 380 and the Dallas North Tollway from Highway and Industrial to Planned Development-Highway and Mixed-Use. Neighborhood #53. MW

HISTORY:

Ordinance No. 00-09-09 – City Council adopted the ordinance on September 5, 2000, which annexed a portion of the property and zoned it Agricultural.

Ordinance No. 00-12-05 – City Council adopted the ordinance on December 5, 2000, which annexed a portion of the property and zoned it Agricultural.

Ordinance No. 01-09-64 – City Council adopted the ordinance on September 18, 2001, which zoned 24.6± acres of the property Highway.

Ordinance No. 02-05-58 – City Council adopted the ordinance on May 7, 2002, which zoned 7.8± acres of the property Highway.

Ordinance No. 05-02-15 – City Council adopted the ordinance on February 1, 2005, which zoned 92.8± acres of the property Industrial.

CASE OVERVIEW:

The applicant is requesting to rezone the property to allow for a retail and mixed-use development. The surrounding land uses are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Town of Prosper	Commercial and PD/Office	Retail and Tollway District (Mixed-Use)
East	Vacant	Industrial	Office & Industrial
South	Vacant	Extraterritorial Jurisdiction	Transit-Oriented Development

West	Vacant	Planned Development-216-Mixed Use	Retail & Mixed-Use Non-Residential
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The 2006 Comprehensive Plan

Natural Resources – The Comprehensive Plan identifies floodplain/wetland areas, less-suitable slopes, and sensitive habitats in association with Parvin Branch that traverses the property. The applicant has submitted a Corp permit that outlines proposed restoration of the wetland and floodplain areas as well as proposed improvements to the area. As a condition of approval, the floodplain and wetland area shall be protected in perpetuity under the provisions of the mitigation plan (see conditions of approval outlined in Exhibit “C”).

Future Land Use Plan (FLUP) – The FLUP designates retail, office, floodplain and Transit-Oriented Development uses on this property. The request is for Highway zoning north of Parvin Branch and mixed-use south of Parvin Branch meets the Future Land Use Plan.

Parks, Recreation & Open Space Master Plan – An off-street hike and bike trail is shown on the Hike & Bike Master Plan along the Dallas Parkway and a greenway trail is shown along Parvin Branch. Specific trail locations will need to be outlined upon submittal of a Regulating Plan.

Transportation Strategy

- **The Thoroughfare Plan** – The Thoroughfare Plan shows the Dallas North Tollway and US Hwy 380, both designated as Highway/Tollway, adjacent to the site.
- **Traffic Impact Analysis** – A Traffic Impact Analysis (TIA) has been submitted for review. General site-related improvements (internal stacking, turn lanes, etc.) have been incorporated into the Zoning Exhibit during the review process. The TIA assumes full build out of the site by 2014. Capacity analyses were conducted for the years 2014, 2019 and 2030. Staff has submitted comments to the applicant for some minor revisions to the TIA, but generally concurs with the recommendations presented in the TIA subject to:
 1. The applicant finalizing the current TIA pursuant to Staff’s comments.
 2. The applicant updating the TIA to address the near term needs of US 380 and the Dallas Parkway at the time they submit one or more site plans in preparation to begin construction. Such a future TIA would take into account more accurate traffic projections on the roadways, more accurate estimates of site trips generated by the development and more accurate knowledge of TxDOT reconstruction plans.

- **Access** – Access to the development will be provided from the Dallas Parkway, US Hwy 380, and CR 26. Specific access locations will be addressed on the Regulating Plan.

Existing Utilities

- **Water** – A 30-inch waterline is proposed along Dallas Parkway and US Hwy 380. A 24-inch waterline is proposed along the BNSF Railroad right-of-way. Service will need to be extended into the site at the time of development.
- **Sanitary Sewer** – A 24-inch sanitary sewer line is proposed along Parvin Branch. Service will need to be extended into the site at the time of development.

Schools – This property lies within the Prosper Independent School District. Prosper Independent School District has not indicated an immediate need for a school in this area.

ADDITIONAL INFORMATION:

The applicant submitted a Planned Development request at the same time the City was adopting the Form-Based Codes Manual into the Zoning Ordinance. At the time of the zoning case submittal, a Regulating Plan (Exhibit “D”) was also submitted for review. During review of the submittal, the applicant revised their plan a number of times. Staff provided direction; however, due to the scope of the project and the economic conditions, the applicant was unable to provide a suitable site layout for the property. The unresolved challenges include:

- Enhancement of Parvin Branch as an amenity to the site;
- Building orientation to the creek on the north side of Parvin Branch; and
- Site layout of the property and permitted uses south of Parvin Branch.

Building placement north of Parvin Branch was a major challenge. Staff’s direction was to utilize the Parvin Branch open space and trails as an amenity to the development and have buildings fronting onto the open space. Specifically, staff noted examples in Dallas along the White Rock Creek trail where development turned its back on the creek and trail. The area became a magnet for crime, graffiti, and litter due, in part, to no pedestrian activity between the trail and the retail development. Staff did recognize, however, that closer to the BNSF right-of-way, amenitizing the open space would be challenging due to its close proximity to the railroad. Therefore, staff was supportive in allowing buildings to back to the open space, but only within 700-feet of the BNSF right-of-way. Both the applicant and staff agree on this condition.

Site layout of the property south of Parvin Branch was also challenging. The applicant’s original proposal was for straight multi-family development. Due to the property’s proximity to the future rail station at Rock Hill Road as shown on the Comprehensive

Plan, staff is supportive of a high-density, transit-oriented development south of Parvin Branch; however garden-style apartments would not be acceptable or meet the goals of the Comprehensive Plan. Also, the original request did not address the Comprehensive Plan's policy regarding no residential development within 300-feet of the Dallas North Tollway right-of-way. The applicant and staff agreed to prohibit residential uses within 300-feet of the Tollway.

Due to the economic downturn in 2008, it was determined that development on this property may not occur for several years. The property owner has requested the zoning to market their property. Therefore, it was decided that the best way to proceed with this project is to:

- Zone the property to allow for retail and mixed use;
- Apply the Form-Based Codes standards to the property;
- Establish standards for the enhancement of Parvin Branch;
- Establish general standards for building orientation on the north side of Parvin Branch; and
- Incorporate restoration Fort Worth Corp of Engineers (FWCOE) approved plans for Parvin Branch into the site design.

Form Based Codes

The Form Based Codes Manual requires a Regulating Plan as part of the zoning request. Due to the reasons stated above, staff recommends waiving this requirement at this time. However, prior to any preliminary site plan or site plan approval for the property, the applicant or subsequent owner(s) would be required to submit a Regulating Plan for review and approval by the Planning & Zoning Commission. The Regulating Plan would replace the Exhibit D normally associated with Planned Developments.

SUMMARY:

The applicant is requesting to rezone the property to Planned Development-Highway/Mixed-Use. Staff is in support of this request as it allows the property to acquire zoning in conformance with the Future Land Use Plan; however, it defers approval of the regulating plan to a later date. Based on the unique circumstances and history with this property, staff is recommending approval of the request.

RECOMMENDATION:

Recommended for approval as Planned Development-Highway/Mixed-Use subject to the following conditions regarding the TIA and development standards outlined in Exhibit C:

- 1) The applicant finalizing the current TIA pursuant to Staff's comments.
- 2) The applicant updating the TIA to address the near term needs of US 380 and Dallas Parkway at the time they submit one or more site plans in preparation to begin construction. Such a future TIA would take into account more accurate traffic projections on the roadways, more accurate estimates of site trips generated by the development and more accurate knowledge of TxDOT reconstruction plans.

EXHIBIT C FOR Z07-0025
120.9 ACRES (GROSS)
PLANNED DEVELOPMENT STANDARDS

TRACT 1, HIGHWAY (95.7 GROSS ACRES)

Tract 1 shall be developed in accordance with the Highway District as outlined in the City of Frisco Zoning Ordinance No. 00-11-01, as it exists or may be amended, unless identified below.

1) Uses Differing from Highway District Requirements:

- A. Additional Prohibited Uses:
 - Automobile Paid Parking Lot/Garage
 - Automobile Repair, Major
 - Automobile Sales/Leasing, New
 - Automobile Sales, Used
 - Car Wash
 - Flea Market, Inside
 - Motel
 - Motorcycle Sales/Service
 - Nursery, Major
 - Office/Showroom
 - Office/Warehouse/Distribution Center
 - Residence Hotel
- B. Uses Requiring a Special Use Permit
 - Bus Terminal
 - Transit Center

- 2) Building Orientation - Buildings shall be oriented towards Parvin Branch, a major creek. Backing buildings to the creek shall be allowed only for the area located within 700 feet of the railroad along the eastern edge of the property, and only on the north side of Parvin Branch. The 700 feet is measured perpendicular to the railroad as shown on Exhibit "A". Building placement shall be determined upon review and approval of the Regulating Plan.

TRACT 2, MIXED-USE (25.2 GROSS ACRES)

Tract 2 shall be developed in accordance with the following:

1. For property located within 300-feet of the Dallas North Tollway right-of-way, uses shall be allowed per the Office-2 and Retail Districts.
2. For property located beyond 300-feet of the Dallas North Tollway right-of-way, vertical mixed-use development (primarily residential over retail and/or office uses). Uses and locations shall be determined upon review and approval of the Regulating Plan.

GENERAL REQUIREMENTS

1. The Form Based Code Manual development standards shall apply.
2. A minimum of three span crossings of Parvin Branch shall be provided to establish connections between the two tracts. Two of those crossing shall accommodate vehicles and pedestrians, while one of the crossings shall be for pedestrians only. All three bridges shall be constructed with a clay-fired brick or natural stone veneer, or other similar material approved by the Director of Development Services. Construction of the bridges shall coincide with the Parvin Branch restoration and shall conform to the locations designated in the Corp of Engineers 404 Permit.
3. Planning & Zoning Commission approval of a Regulating Plan is required prior to any approval of a preliminary site plan or final site plan. The regulating plan shall provide a complete site layout for the Tract(s) being developed (Tract 1 and/or Tract 2) and detail how Parvin Branch will be treated as an amenity for the overall development.
4. The property owner shall provide a detailed tree survey and mitigation plan to the City for review and approval prior to approval of the Regulating Plan.

PARVIN BRANCH RESTORATION

1. The area shall be protected in perpetuity under the provisions of the mitigation plan as the type of aquatic resource specified (wetland or stream) in the plan which was approved as part of Corp Permit No. SWF-2007-00295.
2. The area shall not be disturbed, except by those activities that would not adversely affect the intended extent, condition, and function of the mitigation area or those activities specifically provided for in the USACE-approved mitigation plan or in the special conditions of the Department of Army authorization. Prior to any modification

of the mitigation area, the City and developer shall coordinate a meeting between Federal, State, and any other applicable entities to assess potential impacts on the mitigation area.